

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

NATHAN TAYLOR

Plaintiff

v

WARDEN

Defendant

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FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

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Civil Action No. JKB-11-03733-ORE

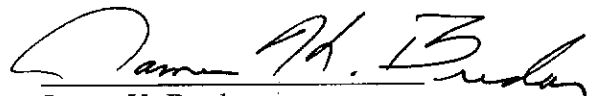
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MEMORANDUM

The above-captioned case was opened on December 27, 2011, upon receipt of correspondence from plaintiff concerning an allegation that he was a victim of a shooting in 2009 and the perpetrator was never prosecuted. ECF No. 1. He requests this court's assistance in finding out why the Baltimore City Police never arrested the woman who shot him.¹

To the extent plaintiff is seeking an order from this court requiring Baltimore City or the State of Maryland to initiate a criminal prosecution against his alleged assailant, that remedy is not available. *See Gurley v. Superior Court of Mecklenburg County*, 411 F.2d 586, 587 (4th Cir. 1969) (federal courts have no mandamus jurisdiction over State employees). To the extent the complaint could be construed as a civil rights claim, plaintiff has no constitutional right to insist on the criminal prosecution of his alleged assailant. *See Sattler v. Johnson*, 857 F.2d 224, 227 (4th Cir. 1988) (no right to force state to prosecute others under equal protection clause). Thus, the complaint fails to state a claim upon which relief may be granted and must be dismissed. *See* 28 U.S.C. §1915A (requiring federal courts to screen prisoner complaints and dismiss any complaint that is frivolous, malicious or fails to state a claim upon which relief may be granted). A separate order follows.

1/18/12
Date


James K. Bedar
United States District Judge

¹ In addition to this claim, plaintiff includes a narrative regarding Harriet Tubman and the Underground Railroad.